

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT COURT OF SOUTH CAROLINA
COLUMBIA DIVISION

UNITED STATES OF AMERICA,)	
)	Civil Action No.: 3:18-cv-0118-JMC
Plaintiff,)	
)	
vs.)	
)	
\$104,370 IN UNITED STATES CURRENCY)	
Asset ID: 17-DEA-634111)	
)	
Defendant In Rem.)	
)	

ORDER GRANTING DEFAULT JUDGMENT,
AND GRANTING JUDGMENT AND DECREE OF FORFEITURE

This *in rem* forfeiture action was initiated through a Complaint for Forfeiture *In Rem* filed on January 12, 2018. It concerns \$104,370 in United States Currency (the “Defendant Currency”) which was seized on August 25, 2017, by members of the Transportation Security Administration (“TSA”). The complaint alleges that the Defendant Currency was involved in violations of federal criminal laws; and that Defendant Currency is subject to forfeiture under the provisions of 18 U.S.C. § 981, 21 U.S.C. § 881(e), and 31 U.S.C. § 5317.

Based upon matters of record in this case, it appears that the notice of forfeiture and Complaint were served upon the known potential claimant, Tony Phung, and his attorney, Geoffrey W. Rawlings, Esquire, pursuant to Supplemental Rule G(4)(b), Fed.R.Civ.P.; that the known potential claimant is not actively serving in the armed forces of the United States, and is not an infant or incompetent person; that publication has been lawfully made in this matter; that lawful notice was given to all potential claimants to Defendant Currency, known and unknown, either through direct notice or by publication; that no claims, answers, or other pleadings have

been filed in response to such notice; that no extensions to the applicable time limits have been requested, consented to, or granted by the court; and, that the clerk has entered default, pursuant to Rule 55(a), Fed.R.Civ.P. Accordingly, the court finds and concludes as follows:

1. That process was lawfully executed in this action and returned according to law;
2. That the Defendant Currency was lawfully arrested pursuant to the warrant of arrest *in rem*, pursuant to Rule G(3);
3. That public notice of this forfeiture action was lawfully made on an official government internet forfeiture website for a period of at least 30 consecutive days, pursuant to Rule G(4)(a)(iv)(C);
4. That Tony Phung, the known potential claimant, has received direct notice of this action pursuant to Rule G(4)(b);
5. That Tony Phung has not filed a Claim, Answer, or other responsive pleading in this action, as required by Rule G(5);
6. That the known potential claimant is not actively serving in the armed forces of the United States, and is not an infant or incompetent person;
7. That all other potential claimants were duly notified of the proposed forfeiture through publication, pursuant to Rule G(4)(a);
8. That no other person or entity has filed a Claim, Answer, or other responsive pleading within the time fixed by law; and
9. That the allegations of the Complaint are taken as admitted.

NOW THEREFORE, based upon the above findings, and the court being otherwise fully advised, it is hereby ORDERED, ADJUDGED, AND DECREED that:

1. All persons claiming any right, title or interest in or to the Defendant Currency are hereby held in default, and any right, title, or interest in the Defendant Currency on the part of any claimants or third parties are extinguished and forever barred.

2. Default Judgment shall be entered by the Clerk of Court against the Defendant Currency, and in favor of the United States.

3. Pursuant to 18 U.S.C. § 981, 21 U.S.C. § 881(e), and 31 U.S.C. § 5317, the Defendant Currency is hereby forfeited, condemned, quit-claimed and abandoned to the United States of America.

4. Clear title in and to the Defendant Currency is vested in the United States of America, and no other right, title or interest exists therein. All other claims to the Defendant Currency are hereby forever foreclosed and barred.

5. The \$104,370 in U.S. Currency forfeited herein shall be disposed of by the United States as authorized by law.

IT IS SO ORDERED.

s/J. Michelle Childs
J. MICHELLE CHILDS
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
March 22, 2018